

R277-108 received final approval by the Utah State Board of Education on September 8, 2017. R277-108 is published in the October 1, 2017 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of November 7, 2017.

R277. Education, Administration.

R277-108. Annual Assurance of Compliance by Local School Boards.

R277-108-[2]1. Authority and Purpose.

~~[A.](1)~~ This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision ~~of~~ over public education in the Board; and

(b) Section 53A-1-401~~[(3)]~~, which ~~[permits]~~ allows the Board to ~~[adopt]~~ make rules ~~[in accordance with its]~~ to execute the Board's duties and responsibilities under the Utah Constitution and state law and allows the Board to interrupt disbursements of state aid to any district which fails to comply with rules adopted in accordance with the law.

~~[B.](2)~~ The purpose of this rule is to provide local school boards with a list of laws requiring local school board action and a means of assuring that local boards are in compliance.

R277-108-[4]2. Definitions.

~~[A.]~~ "Annual assurance letter" means a letter required annually from each local school board by the Board to be received no later than October 1 of each year that provides the required compliance information and documentation, if directed, for identified programs and funds.

~~[B. "Board" means the Utah State Board of Education.~~

~~——— C. "USOE" means the Utah State Office of Education.]~~

R277-108-3. ~~[Board/USOE]~~ Superintendent Responsibilities.

~~[A.](1)~~ The ~~[Board]~~ Superintendent shall provide ~~[to school district superintendents, the superintendent for the Utah School for the Deaf and the Blind and charter school governing boards]~~ a list of laws and a list of State Board of Education Administrative Rules which require action or compliance by June 30 of each year to school district superintendents, the superintendent for the Utah School for the Deaf and the Blind and charter school directors.

~~[B.](2)~~ The list described in Subsection (1) shall identify laws and rules along with required compliance dates and reporting forms, if different or necessary than or in addition to the annual assurance letter.

~~[C.](3)~~ The ~~[Board]~~ Superintendent shall consolidate all required reporting and compliance forms and provide for electronic reporting, to the extent possible.

R277-108-4. ~~[Local Board and Identified School]~~ LEA Responsibilities.

~~[A. Local Boards](1)~~ An LEA shall submit the required ~~[A]~~ annual ~~[A]~~ assurance ~~[L]~~ letter~~[(s)]~~ and other compliance forms on or before dates identified by the Board.

~~[B.](2)~~ In the event that an ~~[local school board]~~ LEA is unable to provide required assurances, compliance information or forms by required dates, ~~[the local school board]~~ an LEA shall provide to the ~~[USOE]~~ Superintendent a written explanation of the ~~[local school board's]~~ LEA's inability and provide a compliance date.

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(3) ~~[The]~~An LEA's request for ~~[delay in providing]~~additional time to provide the assurance shall be reviewed by the ~~[Board or its designee]~~Superintendent and accepted or rejected in a timely manner.

R277-108-5. Assurances.

~~[A. Each local school board and charter school governing board]~~An LEA shall provide, consistent with state law, written assurance of the following:

(1) the National motto is displayed in schools consistent with Section 53A-13-101.4(6);

(2) the Pledge of Allegiance is recited in public schools consistent with Section 53A-13-101.6;

(3) a policy has been developed, in consultation with school personnel, parents, and school community, to provide for effective implementation of student education plans/~~student education occupation plans (SEPs/SEOPs)]~~ and plans for college and career readiness consistent with Subsection 53A-1a-106(2)(b);

(4) compliance with Section 53A-3-426, ~~[in]~~that ~~[it]~~the LEA does not endorse or provide preferential treatment for any education employee association;

(5) a policy has been developed for Quality Teaching Block Grant Program consistent with Section 53A-17a-124;

(6) a policy has been developed on education association leave consistent with Section 53A-3-425;

(7) each public school within the ~~[district]~~LEA has established a community council consistent with Section 53A-1a-108, and the community council members have been advised of their responsibilities consistent with Sections 53A-1a-108 and 53A-1a-108.5;

(8) the ~~[local school board]~~LEA has provided the ~~[USOE]~~Superintendent with required Utah Performance Assessment System for Students (U-PASS) test results in order for the ~~[USOE]~~Superintendent to fulfill the requirements of 53A-1-605;

(9) the ~~[district]~~LEA does not make payroll deductions from the wages of its employees for political purposes consistent with Subsection 34-32-1.1(2);

(10) the ~~[local school board]~~LEA has implemented a training program for school administrators consistent with Section 53A-3-402(1)(f);

(11) for a school district, the local school board has an educator evaluation program developed by a joint committee including classroom teachers, parents and administrators consistent with Section 53A-10-103;

(12) the local school board or charter school governing board has presented and implemented an electronic device policy consistent with the timelines and provisions of R277-495;

(13) the ~~[school district or charter school]~~LEA has posted the LEA's collective bargaining agreement~~[(s)]~~ on the ~~[school district or charter school]~~LEA's website within ten days of the ratification or modification of any collective bargaining agreement consistent with Section 53A-3-428; ~~[and]~~

(14) by May 15~~[-2010;]~~ of each year, the ~~[school district or charter school]~~LEA has posted certain public financial information on the ~~[school district or charter school]~~LEA's

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website consistent with Sections 63A-3-401 through 63A-3-404[:]; and
(15) the LEA has trained educators employed by the LEA on the Utah Educator Professional Standards described in Rules R277-515 and R277-516 as required in Section R277-515-7.

R277-108-6. Reporting Deadlines.

~~[B.]~~ Letters from ~~[local school boards]~~ LEAs assuring compliance with the laws ~~[above]~~ described in Section R277-108-5 are due to the ~~[State]~~ Superintendent ~~[of Public Instruction]~~ no later than October 1 of each year.

R277-108-~~[6]~~7. Penalties for Noncompliance.

~~[A.]~~(1) The ~~[Board]~~ Superintendent shall request written explanation~~[(s)]~~ from ~~[local school boards]~~ an LEA and identified schools that fail to meet reporting and compliance deadlines.

~~[B.]~~(2) Following an opportunity to provide explanations and request delays, ~~[local school boards]~~ LEAs and identified schools shall be notified of penalties assessed by the Board against the ~~[local school boards]~~ LEAs in accordance with R277-114.

~~[C. Penalties may include:~~

- ~~—— (1) warning letters;~~
- ~~—— (2) letters of reprimand sent to the local school board with copies to appropriate Legislative committees;~~
- ~~—— (3) charter school review under R277-481; or~~
- ~~—— (4) interruption of monthly transfers of funds specified for administrative costs under Section 53A-17a-108, interruptions of disbursement of state aid under Section 53A-1-401(3) or withholding of specific program funds.]~~

R277-108-~~[7]~~8. Record Retention.

Letters of ~~[A]~~ assurance, as required by the Board, shall be kept on file ~~[at the USOE]~~ by the Superintendent for five years, together with letters of explanation and documentation of penalties, as directed by the Board.

KEY: local school boards, compliance

Date of Enactment or Last Substantive Amendment: ~~[December 17, 2012]~~2017

Notice of Continuation: September 13, 2017

Authorizing, and Implemented or Interpreted Law: Art X Sec 3;~~[-53A-6-702;]~~ 53A-1-401~~[(3)]~~